

Remarks: General

Claim 20 has been amended for the purpose of presenting therein a more detailed description of certain features of particular interest that are included among the various embodiments of this invention. Other claims that are dependent thereon have been added to describe those embodiments in even greater detail.

Claims 23, 24 and 28 were cancelled in Applicant's paper filed on July 21, 2008. Claims 1~19 were cancelled, and Claims 39~41, were added in Applicant's paper filed on February 17, 2009. With the cancellation herein of Claim 21 and the addition herein of Claims 42~48, Claims 20, 22, 25~27 and 29~48 are now active in the application.

Terminology or other subject matter that may not have been present in the claims as originally filed, or as previously amended, has been inserted by amendment to certain existing claims or by addition in the new claims. No new matter is being thereby incorporated, however, as basis in the specification for the various amendments is as follows:

in Claims 20 and 42~48, support for recitations concerning the various materials may be found in the discussion on page 17 at line 27 to page 18 at line 33.

A request for continued examination under 37 CFR §1.114 is enclosed, the fee for which should be charged to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

A petition under 37 CFR §1.136 for a two-month extension of time to respond to the outstanding action is enclosed, the fee for which should be charged to Deposit Account No. 04-1928.

By Applicant's calculation, no fee other than as stated above is due by reason of this amendment to the claims. If, however, that calculation is in error, or if any other or further fee is required to authorize or obtain consideration of this response, please charge any required fee to Deposit Account No. 04-1928.

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Applicant hereby requests entry of the above described amendments, and requests reconsideration and further examination of the application in view of those amendments and the reasons it has set forth below for allowance of the claims.

Remarks: Detailed Action

I.

The Examiner has rejected Claims 20~22, 25~27, 29~33 and 35~41 under 35 U.S.C. §102(e) as being anticipated by WO 02/33393 ("Morris"). Claim 21 has been cancelled.

Morris does disclose, by structure and by name, a variety of sensor materials to be used for gas analysis. Morris does not, however, teach or suggest any of the specific groups of materials recited in Claim 21. None of the specific groups of materials recited in Claims 21 is identically described in Morris as a whole group.

Moreover, there is no discussion in Morris of which materials might possibly be grouped with which other materials for use to make a gas analyzer device. Morris does not give the artisan sufficient guidance about the desirability of grouping any particular materials with certain others to justify classifying Morris as a reference that presents the artisan with a finite number of solutions from which to choose when constructing a group of materials to use in a gas analyzer device.

In a test to determine the presence of nitrogen oxides (NO or NO_x) in a gas mixture, the materials in each of the seven groups described in Claim 20 exhibited a root mean square error ("RMSE") during calibration and an RMSE during validation that provided a better balance of performance than test groups containing other similar metal oxides.

Such distinction in performance between the claimed groups materials and comparative groups of materials illustrates that the manner in which any particular sensor material will react in the presence of any particular gas is so unpredictable that it is not possible to infer from the disclosed use of one particular sensor material that it is suitable for being grouped with any other particular sensor material, and that a useful result would be obtained thereby when those materials are exposed to a multi-component gas mixture.

In view of the above distinctions between Morris and the subject matter of the pending claims, Applicant respectfully requests that the Examiner withdraw all rejections of the pending claims over Morris.

III.

The Examiner has rejected Claim 34 under 35 U.S.C. §103(a) as being unpatentable over Morris in view of US 4,542,640 ("Clifford").

As Clifford is not adequate to cure the deficiencies of Morris concerning the disclosure of groups of sensor materials, the combination of those two references is not adequate to teach or suggest a device based on groups of materials in which one or more materials have different temperatures.

In view of the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 34.

In view of the foregoing, Applicant submits that all of the Examiner's objections and rejections have been properly traversed, and that the pending claims are in condition for allowance, request for which is hereby respectfully made.

Respectfully submitted,

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